

REMARKS

Claims 1-6 and 10-42 are pending in the present application. Claims 1-6, 10, 12-18 and 33-42 are rejected. Claims 1-10, 12-18 and 33-42 are herein canceled. No new matter has been presented.

Double Patenting

Claims 1-42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,559,996.

The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the patented application are to a method that is similar in all regards to the instant application. The only difference between the patented claims and that of the instant application arise from the creation of slits on the magnet surface to facilitate the diffusion of the fluoride/oxide/oxyfluoride, however, these slits are immaterial as the instantly claimed subject matter would include the process of the patented claimed.

Claims 1-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 11/783,639.

The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims a method materially the same as that of the instant claims. The difference in the application arises from the

broader disclosure of the magnetic body, wherein this broader range includes the claimed magnetic body. Therefore, the method includes a magnetic body consisting of an overlapping range of compositions with the instant claims.

The cited references are commonly owned with the present application and were so at the time of the present invention. Applicant submits herewith a terminal disclaimer to address the above OTDP rejections.

Claim Rejections - 35 U.S.C. §112

Claims 1-10, 12-18 and 33-42 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1-10 are herein canceled.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-6, 10, 12-18 and 33-39 are rejected under 35 U.S.C. §103(a) as unpatentable over Fujimura in 4,859,255 in view of Kim in 7,163,591 and further in view of Beeby in his publication entitled “Micromachined silicon Generator for Harvesting Powder from Vibrations” or Gao in “Effects of the degree of grain alignment on the hard magnetic properties of sintered NdFeB magnets”, independently.

Claims 12, 14, 40 and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimura in 4,859,255 in view of Kim in 7,163,591 and further in view of Gao as applied to claim 1 above, and further in view of Mitsuji in 5,286,366.

Claims 13 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in 7,163,591, as applied to claim 1 above, and further in view of Hamada in 6,777,097.

Claims 1-10, 12-18 and 33-42 are herein canceled.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely, Applicant petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Terminal Disclaimer over U.S. Patent No. 7,559,996 and copending Application No. 11/783,639